

PARTICIPATION BY ENVIRONMENTAL N.G.O.s IN MANAGEMENT DECISIONS IN THE APALACHICOLA-CHATTAHOOCHEE-FLINT BASIN

Steve Leitman, Sally Bethea and Carolyn Carr

AUTHOR: Steve Leitman, Apalachicola Basin Coordinator, Florida Defenders of the Environment, Rt. 7 Box 1192, Quincy, Florida 32351; Sally Bethea, Director, Water and Wetlands Program, The Georgia Conservancy, 1776 Peachtree St. N.W., Suite 400 South, Atlanta, Georgia 30309; and Carolyn Carr, Alabama Chapter of the Sierra Club, 342 Payne St., Auburn, Alabama 36830.

REFERENCE: *Proceedings of the 1993 Georgia Water Resources Conference*, held April 20 and 21, 1993, at The University of Georgia, Kathryn J. Hatcher, Editor, Institute of Natural Resources, The University of Georgia, Athens, Georgia.

INTRODUCTION

The two principal parties in the complex process of water resources management are river basin "managers" (i.e., government entities with authority to manage water) and basin "people", (i.e., those who use and have various needs of the water). Ideally, in a representative democracy, basin managers should perform program management functions and deliver services in response to the collective needs and interests of basin people. This paper examines the success of approaches used by one sector of the basin people, environmental non-governmental organizations (NGOs), to influence the water resources decision-making process in the Apalachicola-Chattahoochee-Flint (ACF) drainage basin. Basin people are not a homogeneous entity, but a set of groups which often have conflicting interests in, and desires from, water resources. The intent of this paper is to examine the influence of one of these groups as a representative example of the role of all basin people in water resources management.

SETTING AREA

The ACF watershed drains 19,800 square miles into the Gulf of Mexico. About three-fourths of the basin is in Georgia, one-eighth in Alabama and one-eighth in Florida (Figure 1). The basin contains five federal and nine private dams and reservoirs on the Chattahoochee River; two private dams on the Flint River; and a federal dam at the confluence of the Flint and Chattahoochee, where the Apalachicola River begins. The federal reservoirs are authorized to be managed for hydropower, water supply, flood control, recreation, navigation, and fish and wildlife management. The conservation storage pools of these reservoirs contain about 1.6 million acre-feet of storage. The management capability of these reservoirs is limited because over 80 percent of the storage pools impound less than 20 percent of the basin (thus forcing them to be managed conservatively) and because a portion of the storage pools have been captured by residential and

recreational interests using the lakes. The private reservoirs are managed for water supply, recreation and hydropower and have negligible storage capacity.

The ACF basin is also renowned for its natural environment. Lake Lanier, on the Chattahoochee River north of Atlanta, is the most-visited reservoir in the nation and the stretch of river below Lake Lanier is heavily used for both trout fishing and rafting.

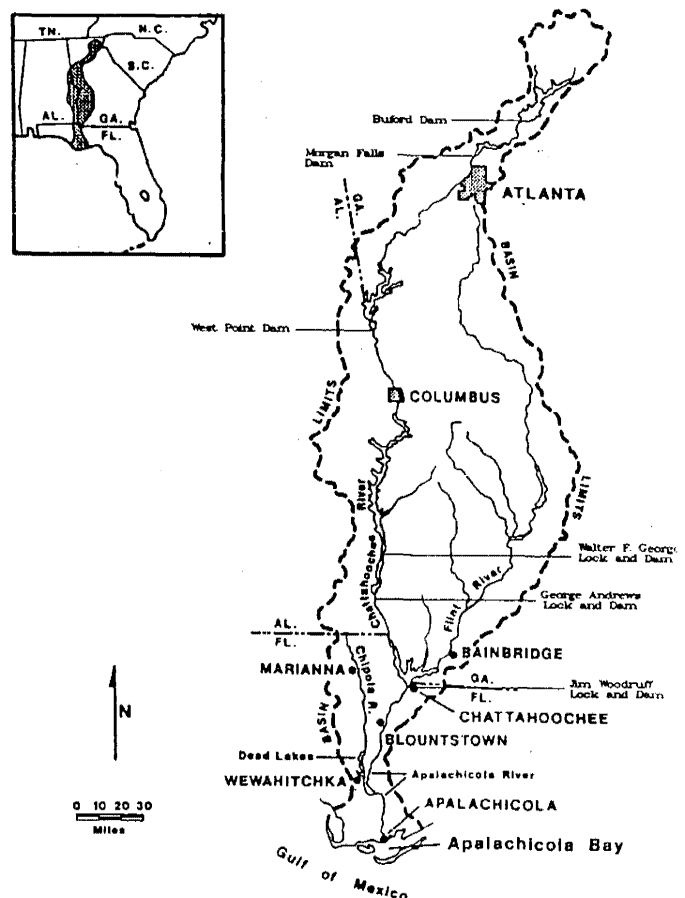


Figure 1. The Apalachicola-Chattahoochee-Flint drainage basin.

The less regulated Flint and Apalachicola Rivers are used for a variety of outdoor pursuits. The Apalachicola estuary supports a productive fishery and serves as important nursery grounds for the Gulf.

MANAGEMENT SETTING

Brief History. In the late 1980s, environmental NGOs in the ACF basin faced a challenging situation. Two earlier efforts to manage the basin's water resources from a system-wide context had failed (Leitman 1991). The basin had recently experienced a number of years of severe drought. Two of the three states in the basin, Alabama and Georgia, were more focused on economic development of the resource base than environmental protection, and several recent droughts had caused severe problems for commercial navigation, which was linked to the economic development strategies of these states. The navigation problems provided an impetus to plan for further structural modifications which historically has been a source of contention between the three states and the federal government.

Furthermore, the federal government, through the U.S. Army Corps of Engineers, had proposed to revise the water control plan for the federal reservoirs. The largest metropolitan area in the basin (Atlanta) had requested that a considerable portion of the water in the largest storage reservoir (Lake Lanier) be reallocated from hydropower to water supply. The State of Alabama then filed a lawsuit against the Corps to block the proposed water control plan revisions and the re-allocation of water. It appeared highly probable that Georgia would enter the suit on the side of the Corps and Florida would enter on the side of Alabama. The withdrawal of water by the largest consumer in the basin, irrigation, was and still is unrestrained by law. And, during all this time, NGOs were afforded limited, if any, access to the decision-making process.

Inadequate Management. Finally, the water resources of the ACF basin have never been managed from a holistic, or comprehensive, perspective. The federal reservoir system on the Chattahoochee is only managed for authorized project purposes. Some uses of the water resources, such as provision of fresh water to the Apalachicola estuary, are not authorized. Furthermore, the Flint basin has been essentially unregulated, and management of water resources in the ACF basin has focused primarily on supply-oriented solutions. Demand management has been practiced only on a limited basis (e.g., water conservation programs in the Atlanta area). Management has been further complicated by disparate water management programs within the three states. Finally, and perhaps most importantly, the states and the federal government have lacked a holistic management

vision which, unfortunately, is typical of most basins throughout the United States.

N.G.O. STRATEGY

N.G.O. Action Plan. In response to the above situation and an overall goal of long-term protection of the basin's natural resources, environmental NGOs chose the following action plan:

- 1) to redefine the problem from being a dispute over the water control plan and the re-allocation to managing water resources throughout the basin;
- 2) to lobby the state with the strongest environmental interest, Florida, to become involved in the issue;
- 3) to support a negotiated, instead of a litigated, response to the dispute;
- 4) to take steps to get better access for NGOs into the decision-making process;
- 5) to establish a network among the environmental community;
- 6) to conduct technical research and write and present technical papers; and
- 7) to promote the use of alternative dispute resolution techniques in the interstate negotiations on management decisions.

Leveraging Alabama's Lawsuit. Alabama's lawsuit proved to be an important event. It provided an avenue through which the current approach to water resources management could be challenged and heard by the top officials at both a state and federal level. The negotiations which followed the lawsuit and the subsequent agreement by the three states and the Corps of Engineers led to a plan for them to jointly conduct a three-year, \$13.5 million Comprehensive Study of the Water Resources of the ACF and Alabama-Coosa-Tallapoosa (ACT) drainage basins. This study has the potential to result in significant changes in the management of the basin's water resources. As a part of this study, institutional mechanisms to manage the ACF basin from a holistic perspective and to better integrate state programs will be investigated. The challenge for environmental NGOs, therefore, is to get and maintain meaningful access to the study process help assure this potential is met.

Redefining the Problem. Although Alabama's lawsuit was filed in response to a proposed re-allocation of water and proposed revisions to the reservoir water control plan, the settlement focused on the larger problem (of which these issues were only a subset): the management of water in the entire basin. This settlement signified some acceptance by government officials of an integrated,

system-wide approach to problem solving, in contrast to the piecemeal approach of managing water resources which had been historically used. This system-wide focus was borne out of Florida's insistence that problems with the re-allocation proposals were only symptoms of a larger problem. Florida's adoption of this focus resulted from lobbying efforts by an environmental NGO.

Involving Florida. Getting Florida to become actively involved in the dispute was no simple matter. The re-allocation proposal and changes to the water control plans concerned actions occurring hundreds of miles above the state's borders and Florida officials were sensitive about getting involved in another state's business. In addition, an Environmental Assessment by the Corps contended that no significant impacts would result from these actions. State officials had to be educated to the fact that these two proposals in combination with other actions being taken or proposed by upstream states had the potential to affect flow in the Apalachicola River and the productivity of the Apalachicola estuary. Therefore, Florida's involvement in these actions was warranted.

Gaining Access. Environmental NGOs in Florida were provided access to the negotiation and study oversight process because of their assistance in this educational effort, their historical contribution to the management of the basin and their willingness to continue working with state agencies. Since environmental NGOs in Florida were provided access, NGOs in Alabama and Georgia were able to more effectively demand similar access from their respective states. Heretofore, NGOs in both states were clearly outside the process.

Organizing Network. Another key step in the NGOs' strategy was organizing a network. This network provided a forum for communication among environmental interest groups, a means to educate groups on the need for system-wide management, and a method to influence the decision-making process. This network effort was lead by the Florida Defenders of the Environment, The Georgia Conservancy, and Alabama and Georgia Chapters of the Sierra Club. Immediately after it was formed, the network commented on the plan of study for the Comprehensive Basinwide Water Resources Study and met with top water management officials in the basin. Since that time, network members have attended Executive Coordinating Committee meetings and kept a close watch on the study's progress.

Documenting the Situation. Writing technical papers has proven to be an important educational and organizational tool in the overall effort. Technical papers which reviewed earlier unsuccessful attempts to manage the basin from a system-wide context (Leitman 1991) were critical to convincing Florida officials to enter the dispute.

A paper presented at the 1991 Georgia Water Resources Conference (Leitman and Howell, 1991) explained Florida's position in the dispute and advocated broader involvement by non-governmental entities. Several papers are being presented at the 1993 conference.

Promoting Effective Decision Approaches. Advocating the use of alternative dispute resolution techniques (ADR) was also important. These techniques potentially provide a means of dealing with the more difficult and controversial aspects of water resources management and a means to better focus negotiations. One of the basic precepts of ADR is that all parties with a substantial interest in the outcome of a dispute should be given the opportunity to participate in negotiations (Carpenter and Kennedy 1988). When all major parties are involved in negotiating a settlement, the likelihood of implementing any agreements is significantly increased. Conversely, the chances of an interest group attempting to block implementation are decreased.

RESULTS OF N.G.O. APPROACH

The approach employed by NGOs to enhance protection of natural resources has met with some success. Florida entered into the dispute. Resolution of the dispute was addressed through negotiation, instead of litigation. The issue under dispute was successfully redefined to focus on management of the watershed. NGOs have obtained greater access to the process, and the government entities in charge of the study have received training in alternative dispute resolution. This training in turn provides a better chance that the study partners will seriously address the more controversial aspects of water resources management in the Comprehensive Study.

Nevertheless, there are still problems with the role of environmental NGOs and other basin people in the decision-making process. Their role in the negotiations surrounding the lawsuit and in the development of the Comprehensive Study has been limited. The agreement to conduct the Study was negotiated exclusively by state and federal agencies and was not presented to the public for ratification. Although there were nine public hearings to receive comments on the Plan of Study, these hearings resulted in few substantive changes. Either the first draft of the nearly fifty page document needed little major revisions, the public provided few meaningful comments, or the public input process was a token gesture. One year into the study, the public involvement program has consisted solely of holding public meetings and scoping workshops for reviewing elements of the study. No newsletters or updates of the study process have been released, no additional public meetings and workshops on developing

implementation alternatives have been held, and few news releases have been issued by the study partners.

Although NGOs have been provided better access to the decision-making process within the three states, this access is by no means adequate. Georgia's advisory council provides a forum for key interest groups to have input into the process, but it is not clear how effective this council will be in influencing decision-makers on issues related to the Comprehensive Study. Many key decisions have already been made and the quarterly meeting schedule does not lend itself to timely responses or proactive involvement. Hence, this council is forced into a reactive mode and will probably continue to function this way, unless it is able to develop a life of its own.

The State of Alabama did not set up a representative advisory council. Instead, some 600 persons interested in the ACF/ACT issue were invited to meetings to discuss the proposed scopes of work for the Comprehensive Study. Some of these meetings fulfilled an advisory function; others, however, were more like briefing sessions or open-ended discussions which lacked focus.

Although Florida has provided good access to one environmental NGO, the Florida Defenders of the Environment, no other NGOs have been consulted in a meaningful manner. FDE's inclusion occurred because their staff person had extensive experience with water issues in the basin, not because of a desire to involve an NGO on their negotiating team.

One of the key problems with public involvement in the Comprehensive Study has been the lack of a concisely defined role for the public. The public's role in the decision-making process can range from receiving information about a decision, to allowing them to be heard before a decision is made, to allowing them to influence a decision, to requiring that the public ratify a decision (Delli Prescoli, 1989).

The appropriate process for involvement depends upon the desired role of the public in the decision-making process. For instance, if the role of the public is receiving information relating to a specific decision, then a public information release or traditional public meeting is an acceptable form of public involvement. If the public's role is determined to be more influential, then an information release or traditional meeting is not acceptable and some other means of public involvement must be used. In the case of the ACF/ACT water dispute, the intended role of the public has never been openly discussed, clearly defined, nor agreed upon by the principal parties.

The authors believe that the role of basin people in the study process should be substantive and meaningful. If basin people play a significant role in generating and evaluating management options, there is a greatly increased chance that they will support the conclusions of the study and that these conclusions will be implemented. Although expensive and time consuming, meaningful public involvement in water resources planning decisions

legitimizes governmental decisions. It also enhances public trust in government, provides a forum for information exchange, serves as a source of solutions for water resources problems, and reduces the chances of future conflicts. A good public involvement program can save both time and money in the long run. The only ways that the role of basin people can become meaningful is either for the basin people to demand a more substantive involvement or for government interests to establish a more meaningful role for them.

CONCLUSIONS

The challenge for basin managers and basin people in the broadest sense is to design a holistic human political system that is capable of managing a holistic natural system. Integrated basin-wide water management must become a salient political issue. For this to be accomplished, the government bureaucracy responsible for managing the resource, the scientific community responsible for understanding the resource, and the general public which uses the resource must all have meaningful roles in the process.

This case study suggests that involvement of basin people in recent water management decisions in the ACF basin has been more of a gratuitous act, rather than an effort to get a meaningful contribution. Public participation efforts have focused more on meeting basic notification requirements than on the spirit of these requirements. In general, environmental NGOs have not been provided with a meaningful role in the negotiation or management process in the ACF basin. The end result of inadequate public involvement can be that the basin managers incorrectly view themselves as the basin people. NGOs must strive for nothing less than meaningful, proactive involvement in water resources decision-making, while recognizing the responsibilities associated with this act. They need to recognize that their role is greater than simply attaining access to espouse their philosophies or gaining exposure to enhance their membership base. Protection of a natural system is more complicated than getting a protective designation or passing a law. NGOs must extend their efforts to understand how the natural systems function, what are the federal and state government's principles for managing the water resources, and how these principles are consistent or inconsistent with system functioning. They must take the actions necessary to make resource protection a salient issue among the citizens of the basin. NGOs, however, are restrained by funding and the fact that politics based on the generosity of others seldom attains maturity or independence.

NGOs must accept nothing less than meaningful, proactive involvement in water resources decision-making and recognize the responsibilities which are associated

with this role. Environmental NGOs in the ACF basin recognize that to accomplish this goal, our work has just begun.

ACKNOWLEDGMENTS

The views in this paper represent the opinions of the authors and not necessarily those of their respective organizations. The authors extend their gratitude to Dr. Andrew Dzurik, Engineering School, Florida State/Florida A & M University and, Georgann Penson, the Northwest Florida Water Management District for comments which aided in the preparation of this paper. Steve Leitman would also like to express his gratitude to the Elizabeth Ordway Dunn Foundation for funding his work on the effectiveness of river basin commissions and compacts in the U.S. and to Elinor Phipps for her long-term funding of his work in the Apalachicola drainage basin.

LITERATURE CITED

- Carpenter, S.L. and W.J.D. Kennedy. 1988. Managing public disputes. Jossey-Bass. San Francisco, Calif.
- Delli Prescoli, J. 1989. Public involvement, conflict management: means to EQ and social objectives. *Journal of Water Resources Planning and Management*. 115(1):31-42.
- Leitman, S.F. 1991. A faustian bargain? An ex-post facto review of a negotiated settlement on the Apalachicola-Chattahoochee-Flint river system. *Wetlands and River Corridor Management: Proceedings of the International Wetland Symposium, July 6-9, 1989. Association of Wetland Managers*. p. 354-366.
- Leitman, S.F. and C.D. Howell. 1991. A perspective on water management practices and programs in the Apalachicola-Chattahoochee-Flint drainage basin. In; *Proceedings of the 1991 Georgia Water Resources Conference*. Edited by K.J. Hatcher, Institute of Natural Resources, University of Georgia, Athens, Georgia, 143-147.